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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
LUCIANO RUI : EXAMINER: STEPHEN K. KO  
SERIAL NO: 10/584,954 :  
FILED: OCTOBER 29, 2007 : GROUP ART UNIT: 1714  
FOR: DEVICE FOR CLEANING :  
ROLLERS

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Office Action dated July 22, 2010, Applicant provisionally elects, with traverse, Group IV, Claims 30-42, drawn to a method for cleaning a roll, for further examination on the merits in the present application. Applicant makes this election based on the understanding that Applicant is not prejudiced against filing one or more divisional applications that cover the non-elected embodiments.

Applicant respectfully traverses the Restriction Requirement because the PTO has not carried forward its burden of proof to establish that searching and examining the noted sets of claims would be an undue burden.

In particular, MPEP § 803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention appear to be part of an overlapping search area. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional effort.

Accordingly, Applicant respectfully traverses the Restriction Requirement on the grounds that a search and examination of the entire application would not place a serious burden on the Examiner, whereas it would be a serious burden on Applicant to prosecute and maintain separate applications. Therefore, it is respectfully requested that the requirement to elect a single species be withdrawn, and that a full examination on the merits of Claims 22-42 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to read 'A. Signore', written over a horizontal line.

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